



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 12, 2022

Stacy Hurst, SHPO
 Department of Arkansas Heritage
 1100 North Street
 Little Rock, Arkansas 72201

Re: Cultural Resources Surveys in Support of the Proposed Acquisition of Kansas
 City Southern Railway by Canadian Pacific Railway

Dear Ms. Hurst,

The Surface Transportation Board's (Board's) Office of Environmental Analysis (OEA) is pleased to submit this Cultural Resources Survey Report in support of the OEA's review of a proposal by Canadian Pacific Railway et al. (CP) and Kansas City Southern Railway et al. (KCS) for CP to acquire KCS (Proposed Acquisition). The Proposed Acquisition is an undertaking subject to the Board's federal jurisdiction. If the Board authorizes this Proposed Acquisition, CP and KCS would combine to form an integrated system to be known as Canadian Pacific Kansas City (CPKC), which would be the first railroad to connect Canada, the United States, and Mexico. As part of the review process, OEA is preparing an Environmental Impact Statement (EIS) that will assess the potential environmental impacts of the Proposed Acquisition. OEA is also evaluating the potential impacts of the Proposed Acquisition on historic properties, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Section 106 implementing regulations (36 C.F.R. Part 800), and the Board's environmental regulations (49 C.F.R. Part 1105).

Consistent with past practice in merger cases and the Board's regulations at 49 C.F.R. § 1105.8(b)(1), OEA focused the Section 106 review on 25 planned capital improvements that CP and KCS intend to add within the existing rail right-of-way (ROW) if the Board authorizes the Proposed Acquisition. The 25 planned capital improvements would include adding 10 new passing sidings, extending 13 existing sidings, adding a section of double track, and adding a segment of facility working track along the CPKC network within the rail ROW. The planned capital improvements are the only outcomes of the Proposed Acquisition that could have the potential to affect cultural resources. Of the 25 planned capital improvements, two are located in Arkansas:

Capital Improvement Location	County	Capital Improvement Type
Gentry	Benton	Siding extension
Mena/MP 377	Polk	New siding

On behalf of OEA, Vanasse Hangen Brustlin, Inc. (VHB), OEA's third-party contractor, undertook background research, field survey, and documentation of historic properties within the Area of Potential Effects (APE) for the planned capital improvements.

The APE as defined in 36 C.F.R. § 800.16(d), is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. The above-ground APE for the planned capital improvements extends the length of the capital improvements within the existing rail ROW, as well as a buffer on each side of the ROW to account for potential setting, visual, noise, or other impacts from construction activities. All above-ground resources over 50 years of age present within this broader above-ground APE were surveyed and documented. The above-ground APE varies depending on actual field conditions, incorporating factors such as topography, vegetation, and intervening buildings. The archaeology APE for the Phase I archaeological survey was confined within the existing rail ROW, where ground disturbing activities could potentially occur.

The Phase I archaeological survey documented a single Isolated Find within the APE for the planned Gentry capital improvement, and OEA has determined that it is not eligible for the National Register of Historic Places (National Register). No new archaeological sites were recorded within the planned Gentry capital improvement APE. A single new site (3PL1649) was identified within the APE for the planned MP 377 (Mena) capital improvement, and OEA has determined that the portion of that site located within the APE is not eligible for the National Register. The Historic and Architectural survey identified eight resources within the APE, six of which OEA has determined are not eligible for the National Register (Resources BE1974, BE1975, BE2303, BE2339, PL0128, and PL0138). OEA has determined that two of the resources, KCS Railway Segment 1 and KCS Railway Segment 2, are eligible for the National Register under Criteria A and B.

The Proposed Acquisition and associated planned capital improvements would have no adverse effect on KCS Railway Segment 1 or KCS Railway Segment 2 as no impacts are anticipated that would alter the qualities that make the properties eligible for the National Register. OEA's determinations are supported by the findings presented in the attached reports, prepared by VHB. If you have any questions about the reports, or require additional information, please do not hesitate to contact Alan Tabachnick, Historic Preservation Specialist, at alan.tabachnick@stb.gov or 202-245-0367.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board

Cc: Jessica Cogburn, Section 106 Program Manager

Attachments:

- Historic and Architectural Survey
- Phase I Archaeological Resources Survey